

## **Ethics Truce Frays in House**

### **Democrats Torn Over Investigating GOP**

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A seven-year ethics truce between congressional Republicans and Democrats has begun to fray under the weight of mounting alleged abuses by House GOP leaders and tensions among Democrats over how aggressively to pursue the matters.

Some Democrats and outside groups think the reported wrongdoings have reached a critical mass that cries out for investigations and reforms. Democratic leaders, however, are wary of breaking the long cease-fire that has protected both parties from the types of ethics charges and countercharges that roiled Congress and toppled two speakers in the 1980s and '90s.

Central to the debate is the House ethics committee, largely dormant since the unwritten truce took effect but rousing in recent days to defend itself against the rain of criticism. Watchdog groups are demanding that the secretive panel show more vigor in pursuing published reports of questionable behavior by lawmakers, and they want an end to the House-approved 1997 rule that bars ethics inquiries based solely on complaints from outsiders.

Some Democratic activists also are seething, convinced their elected officials are letting Republicans flout ethical standards in ways that were unthinkable when the GOP took control of the House in 1994. Republicans had attacked the entrenched Democrats' abuse of the House bank and post office and vowed to end Congress's "cycle of scandal."

The recent allegations touch top lawmakers, including House Majority Leader Tom DeLay (R-Tex.), Majority Whip Roy Blunt (R-Mo.) and several committee chairmen. They involve suggestions of bribery and threats on the House floor, illegal use of campaign funds, misuse of a federal agency for political purposes, conflicts of interest, and strong-arm tactics against lobbyists and campaign contributors.

Yet prominent Democrats, such as House Minority Leader Nancy Pelosi (Calif.) -- who this month decried "the fraying of the moral fiber of what goes on here" -- have repeatedly declined to press ethics charges or make them a political priority. Pelosi said she does not think leaders should bring ethics charges against lawmakers from the opposing party.

Outside Congress, some Republicans have joined Democrats in expressing mounting dismay over inaction in dealing with alleged ethics abuses. "The ethics

oversight process in the House is completely paralyzed," said Trevor Potter, a Republican and appointee of the first Bush administration who heads the Campaign Legal Center.

Several analysts and academics say the House must change its self-policing practices, perhaps by having former lawmakers or judges help screen cases or suggest sanctions.

Speaker J. Dennis Hastert (R-Ill.), however, thinks the ethics process "works well," and he sees no need to respond to critics, said his spokesman, John Feehery. DeLay, the second-ranking House Republican, has repeatedly denied wrongdoing and accuses political enemies of raising trumped-up charges.

The House Committee on Standards of Official Conduct -- which was in the thick of cases that led to the resignation of Speaker Jim Wright (D-Tex.) and later the political wounding of Speaker Newt Gingrich (R-Ga.) -- last week defended itself against charges it has been a do-nothing panel. In a four-page letter to House members, Chairman Joel Hefley (R-Colo.) and ranking Democrat Alan B. Mollohan (W.Va.) said, "We are fully committed to pursuing any credible claim that a member or staff person has violated any provision of the House rules." Those rules require, among other things, that members and staffers conduct themselves "in a manner which shall reflect creditably on the House."

In the past seven years the committee has undertaken "informal fact-finding" missions 18 times, the letter said, and "a number of them are ongoing." Most cases were closed with no public indication that anything took place, the letter said.

In a sign that it may pursue some of the pending cases further, the committee last week asked for an equal number of House Republicans and Democrats to be named to a "pool" that can be tapped for investigative subcommittees. In keeping with committee traditions, Hefley declined to say which cases, if any, are being actively pursued.

As for the so-called ethics truce, the committee letter says one briefly existed in 1997 but officially was lifted at the end of that year, which was particularly bitter in terms of partisan accusations. The committee fined and reprimanded Speaker Gingrich, who had led the ethics charge against Wright. Leaders of both parties, fearing the House was verging on an endless round of partisan retaliations, agreed to a cease-fire.

Many lawmakers in both parties say that, in practice, the ethics truce continues. Last week's Hefley-Mollohan letter acknowledged that House members may be refraining from filing legitimate complaints for fear "of retaliatory complaints against members of their own party."

Several Republican senators also are subjects of ethics complaints, and news stories have focused on conflicts of interest by Democrats in both bodies. But the ethics issue is especially poignant for House Republicans, who won a majority in 1994 after

campaigning on a "Contract With America," in which they vowed "to restore accountability to Congress."

Former House majority leader Richard K. Armey (R-Tex.), an architect of that victory, says his party has lost its moral high ground. "The Republican majority began with the whole reform movement, going after the House bank and all that," he said. "We were great reformers, we were going to have the ethical standards." Today, he said, "it's not a very pretty picture with the House."

Since 1997, the House ethics panel has remained quiet as:

A Texas grand jury began investigating a political action committee set up by DeLay.

Several newspapers described how officers of Kansas-based Westar Energy wrote memos about steering \$56,500 to GOP campaigns in return for legislative help from DeLay and Reps. W. J. "Billy" Tauzin (R-La.) and Joe Barton (R-Tex.). Barton later sponsored a legislative exemption sought by Westar, but it eventually was dropped.

The Washington Post reported that Blunt, the House's third-ranking Republican, tried to slip a last-minute provision into a bill to help a tobacco company for which his son lobbied. Blunt said the measure was meant to combat cigarette smuggling, but a Hastert aide removed it.

Common Cause, the public watchdog group that helped topple Wright, called for an ethics probe after the Post reported that aides to Rep. Michael G. Oxley (R-Ohio), who chairs the House Financial Services Committee, told a trade group that a congressional probe might ease if the group replaced its Democratic lobbyist with a Republican.

The Campaign Legal Center and Democracy21.org, public interest groups, charged DeLay's charitable children's organization is improperly soliciting large donations from special interests to finance lavish parties at this summer's Republican National Convention. DeLay says the charity is legal and proper.

These and other accounts prompted a March 2 news conference in which eight watchdog groups denounced the reported behavior and demanded reforms.

"Rather than change the regime and create a rigorous ethics system as promised, Republicans over the last 10 years have eviscerated the ethics process," said Tom Fitton, president of one of the groups, the conservative Judicial Watch.

Some Democratic loyalists say their party leaders, not outside groups, should make such arguments.

"Why the Democrats are not instigating a full-scale ethics investigation is beyond me," said Leon Billings, a former U.S. Senate staffer and Maryland legislator.

Hefley says one ethics committee tradition -- rarely announcing that an inquiry has been started or finished -- can lead to the false impression that the panel has done nothing on a given issue. "It is a problem," he said. "We can't even really defend ourselves."

Critics say the panel's secrecy is a convenient dodge, making it almost impossible to know when the committee has bothered to take even a cursory look into accounts of possible misconduct. The Oxley- lobbyist episode was reported more than a year ago, they note, and the Blunt-tobacco case was reported nine months ago, yet the committee has said nothing publicly about them.

Last month, under pressure from House Minority Whip Steny H. Hoyer (D-Md.), the committee announced that on Dec. 8 it had quietly "initiated informal fact-finding" into statements by Rep. Nick Smith (R-Mich.). Smith said GOP colleagues had tried to bribe and threaten him into voting for a major Medicare prescription drug bill on Nov. 22. He declined to name the members.

Hastert has said he neither threatened nor bribed Smith during the extraordinary three-hour roll call. Last week, however, he told reporters that he repeatedly pleaded with the congressman that night, begging for his vote. "Probably most of his conversations on the [House] floor were with me," Hastert said. But he said no one from the ethics committee has interviewed him about the Smith case, raising questions about how thorough or prompt the panel's three- month-old inquiry might be.

Several of the recent ethics controversies center on DeLay, an aggressive, energetic lightning rod for admirers and detractors alike.

Veteran public-disclosure advocate Fred Wertheimer, who now heads Democracy21.org, is calling for ethics committee and Internal Revenue Service investigations into DeLay's charitable organization, Celebrations for Children Inc. The charity's fundraising brochure seeks donations of up to \$500,000, which would entitle the contributor to a "private dinner" with DeLay and his wife, tickets to Broadway plays, a golf tournament and other events associated with the Republican National Convention this summer in New York City.

Wertheimer said DeLay is "flagrantly misusing a purported 'charitable' organization for his political purposes and to finance his political operations" at the convention.

DeLay spokesman Stuart Roy said Celebrations for Children is perfectly legal and at least 75 percent of the money it raises will go to charitable groups helping neglected children in Texas and New York.

Also drawing fire from Democrats and watchdog groups is a political action committee closely tied to DeLay: Texans for a Republican Majority, or TRMPAC. An

Austin-based grand jury is looking into allegations that TRMPAC illegally used corporate funds to help Texas GOP candidates in 2002. Among those subpoenaed is Danielle Ferro, DeLay's daughter, who was paid by TRMPAC to organize events.

Prosecutors are asking whether TRMPAC laundered \$190,000 in corporate donations through the Republican National Committee. Texas law bars PACs from using corporate donations to help individual candidates. Also, outside money and gifts are barred from the race for the Texas House speaker, a focus of TRMPAC's efforts.

Prosecutors have cited documents showing that TRMPAC spent about \$400,000 in corporate contributions on political consultants whose work they say was prohibited. DeLay and other Republicans say the services were legal because they did not go directly to GOP candidates. They accuse a Democratic prosecutor of using the grand jury for political purposes.